

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION

DATE: May 7, 2013
TIME: 9:30 A.M.

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In re

JOSEPH D. SPERL and
ELIZABETH A. SPERL,

Chapter 7
Case No. 13-35459(CGM)

Debtors.

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NOTICE OF MOTION

PLEASE TAKE NOTICE, that GENOVA & MALIN, attorneys to the Trustee, THOMAS GENOVA, will move this Court at the United States Bankruptcy Court, 355 Main Street, Poughkeepsie, New York on **May7, 2013 at 9:30 a.m.** for an Order pursuant to 11 U.S.C. Sections 521(3), 521(4) and 542(a) directing the debtor to deliver to the Trustee the value of the non-exempt cash at the time of filing, and for such other and further relief as to this Court may seem just and proper.

Dated: Poughkeepsie, New York
April 15, 2013

/s/ Thomas Genova
THOMAS GENOVA, ESQ., Trustee
1136 Route 9
Wappingers Falls, NY 12590
(845)-298-1600

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AFFIRMATION
UNDER 11 U.S.C. SECTION 542(a)

THOMAS GENOVA, an attorney duly admitted to practice before this Court, affirms the following:

1. This affirmation is made in support of the Trustee's motion to recover property belonging to the above-entitled estate.
2. This Court has jurisdiction under the provisions of 28 U.S.C. Section 1471.
3. On March 1, 2013, the debtors filed a voluntary petition under Chapter 7 of the Bankruptcy Code.
4. On March 1, 2013, Thomas Genova was appointed Chapter 7 Trustee.
5. The trustee examined the debtors' pursuant to 11 U.S.C. §341 on March 25, 2010.
6. Upon review of the debtors' bankruptcy petition and their testimony at the §341 Meeting, it appears that the debtors have certain non-exempt funds in the amount of \$6,818.00 which is subject to turnover and therefore property of the bankruptcy estate. See annexed Exhibit "A", demand letter to debtor's counsel dated April 2, 2013.
7. Pursuant to 11 U.S.C. §521 and 542 the debtor has a duty to cooperate with the Trustee in the administration of the estate and turnover to the Trustee any and all requested assets.
8. The Trustee's duties, pursuant to 11 U.S.C. §704, include the responsibility to investigate

the financial affairs of the debtor and be accountable for all property received.

9. In order to carry out said duty the Trustee requests that the debtor turn over the 2012 Federal and New York State income tax refunds totaling in the amount of \$6,818.00 to the Trustee.

10. The Trustee hereby requests entry of an Order pursuant to 11 U.S.C. §542(a) directing the debtors to turnover their non-exempt funds in the amount of \$6,818.00.

WHEREFORE, Trustee demands entry of an Order directing the debtors to deliver their non-exempt funds in the amount of \$6,818.00 for the benefit of the bankruptcy estate and such other and further relief as to the Court may seem just and proper.

Dated: Wappingers Falls, New York
April 15, 2013

/s/ Thomas Genova
THOMAS GENOVA , Trustee

